

Application No.: 09/479,736
Reply to Office Action of October 18, 2005
Amendment Dated January 4, 2006

Remarks:

Status of Claims

Claims 1-9 and 11-20 were previously pending, claims 1 and 14 are currently amended, and claims 21-41 are added by way of this Amendment. Thus, claims 1-9 and 11-41 are currently pending with claims 1, 14, 21, 24, 27, 35, and 38 being independent.

Office Action

In the Office Action dated October 18, 2005, the Examiner rejected claims 1-4, 10-15, 19, and 20 under 35 USC 102(e) as being anticipated by Chang (U.S. Patent Application Publication No. 2003/0095542) and rejected claims 5-9 and 16-18 under 35 USC 103 as being unpatentable over Chang in view of Berkley (U.S. Patent No. 6,546,005). Applicant respectfully submits that the arguments made herein overcome the Examiner's rejections as no prior art of record discloses or suggests all claimed features of the present invention.

Claims 1-9 and 10-20

Independent claim 1, from which claims 2-9 depend, includes the feature of a computer controlled switch containing destination addresses for subscribers and operable to automatically route calls to the subscriber's destination addresses. Similarly, independent claim 14, from which claims 15-20 depend, includes the claimed feature of storing subscriber destination addresses and routing calls to the subscriber's destination address. Thus, the present invention as recited in claims 1-9 and 10-20 is directed at a service that may be subscribed to by any individual who has access to a public switched telephone network (PSTN) or internet protocol (IP) network.

To subscribe to the service provided by the present invention, one need only contract with a company administering the network to receive a telephone number and IP address (paragraph 0031). As a result, the present invention does not require the utilization of custom equipment or devices, as each subscriber may utilize the system through any conventional PSTN or IP network. Therefore, the word "subscriber" is utilized by the claims and specification in accord with its usual

meaning: an individual who purchases or otherwise contracts for services. For instance, a subscriber of the present invention may be operable to purchase blocks of services, such as calling services (paragraph 0023), message services (paragraph 0024), forwarding services (paragraph 0025), combinations and variations thereof, etc.

In contrast, Chang and all other prior art of record does not disclose or suggest “subscribers,” routing calls to a subscriber, or storing information relating to a subscriber. The Examiner generally contends that Chang discloses all features of claims 1 and 14 without specifically articulating how Chang discloses or suggests “subscribers” or routing calls to subscribers (Office Action, page 2). However, as is discussed throughout these Remarks, Chang is limited to a custom private branch exchange (PBX) which lacks the ability to have “subscribers” or otherwise route calls to “subscribers.”

Specifically, Chang discloses a gateway system that consists of a PBX operable to be coupled with an internal phone system, such as an intra-company phone system, to provide “an alternative voice network to the PST NETWORK for a company” (Abstract). A plurality of these PBXs may be coupled at various remote locations to enable each remote location to utilize the “alternative voice network” (Abstract). Thus, Chang does not disclose “subscribers” as any telephone that is physically coupled to the PBX in the company’s gateway network is a “gateway telephone” (or “PBX station”) and operable to utilize the PBX (paragraph 0155 and 0298). As is known in the art, such functionality is consistent with the operation of conventional PBXs.

Further, Chang teaches away from the use of “subscribers” as Chang is directed at an intra-company alternative telephone system (Abstract and paragraph 0015) that has no need to charge (or contract with) employees for telephone service. In contrast, the claimed invention utilizes subscribers as it is not limited to intra-company networks and may be utilized by anyone at any location having access to a PSTN or IP network.

The Examiner does not contend that Berkley discloses this feature as Berkley is directed only at a database accessible via both computer and phone networks. As such, Chang and all other prior art of record fails to disclose or suggest all recited features of claims 1-9 and 10-20.

Claims 11 and 19 are additionally allowable for the same reasons as claims 21-26 and claim 13 is additionally allowable for the same reasons as claims 27-37, discussed below in more detail.

Claims 21-26

New independent claim 21, from which claims 22-23 depend, recites the feature of a computer controlled switch operable to *simultaneously* route a received call to a plurality of pre-designated destination addresses. This feature is similar to the feature originally recited in claim 11. As described in paragraphs 0025, 0032, and 0041 of the present application, simultaneous routing of calls to a plurality of destinations enables a user to *simultaneously* receive calls on a plurality of devices and at a plurality of locations. For instance, a user may simultaneously receive a call on a base phone number, a cell phone number, a pager number, and a plurality of IP addresses. Such simultaneous forwarding is desirable as it enables a user to receive a call at any location without requiring delays or additional caller inputs.

The Examiner contends that Chang discloses this feature as originally recited in claim 11 (Office Action, page 3). However, Chang, including the paragraphs cited by the Examiner, merely discloses conventional cascade-type call forwarding and not *simultaneous* forwarding as recited in claim 21. For instance, Chang discloses that “when a called party does not answer an incoming telephone call, the calling party may forward the call...” (paragraph 0024). Thus, Chang’s call forwarding is not “simultaneous” as it requires both (1) a party failing to answer a primary phone and (2) only after (1), a calling party to forward the call.

Further, Chang’s forwarding enables a party to only “forward calls to PST NETWORK telephones or PC-based IP telephones”, “forward (a) user’s telephone calls to difference telephones according to a time schedule”, provide filtering to determine which callers may forward calls, and setup forwarding via a browser interface (paragraph 0025). None of these functions constitute simultaneous forwarding of calls as each only forwards a call to one phone at a time.

The remainder of Chang’s disclosure further clarifies that Chang forwards calls to only one phone at a time and does not engage in simultaneous forwarding. For instance, if a match is found

(i.e. call forwarding is active and allowed), “the called gateway server 126 initiates a call to the follow me destination telephone” (paragraph 0303). “The integrated computer telephone system of the invention provides the capability for users to redirect incoming telephone calls arriving at their regular PBX station to any telephone or internet phone” (paragraph 0298). Thus, Chang’s call forwarding is non-simultaneous.

The Examiner does not contend that Berkley discloses this feature as Berkley is directed only at a database accessible via both computer and phone networks. As such, Chang and all other prior art of record fails to disclose or suggest simultaneous forwarding and claims 21-23 are allowable.

Independent claim 24, from which claims 25-26 depend, includes a method that similarly includes “routing the call simultaneously to a plurality of predesignated destinations.” As Chang and all other prior art of record do not disclose this feature as discussed above, claims 24-26 are also allowable.

Claims 27-37

Claim 27, from which claims 28-34 depend, recites the feature of “a computer controlled class 5 switch” operable to route calls between a PSTN and an IP network. As shown in FIG. 1 and generally described throughout the specification, utilization of a class 5 switch enables the present invention to provide services to subscribers connected to any PBX, PSTN, or IP network. As is known in the art and is described in paragraph 0035, class 5 switches are operable to interface with one or more PSTNs and may provide service and functions to phones and terminals located on remote networks not directly coupled with the class 5 switch. For instance, referring to FIG. 1, the communications networks 19 and 21 are operable to provide service to phones 39 and 70 and computers 59 and 63 even though the phones and computers are not directly coupled with the networks 19 and 21 or otherwise similarly configured. Such utilization of class 5 switching and class 5 switches enables the present invention to provide service to any user or subscriber who has access to the PSTN 17 or internet 13 regardless of the user’s location, equipment, or particular configuration.

The Examiner contends that Chang, in relation to claim 13, discloses class 5 switching or class 5 switches (Office Action, page 4). However, Chang is clearly limited to a private branch exchange (PBX) and does not disclose or suggest a class 5 switch as a PBX is not a class 5 switch. The Examiner cites paragraphs 0039 and 0254 and Table 13 for the proposition that Chang discloses a class 5 switch, but these cited portions merely disclose coupling a gateway server with a PBX (paragraph 0039), a gateway server that “relies on the CTI connection to the PBX to provide most of the VPBX features” (paragraph 0254), or a table of “VPBX Feature Support” (table 13). None of these devices or functions disclose or suggest class 5 switches as an extended virtual PBX (VPBX) is not the same as a class 5 switch.

For example, a class-5 Nortel DMS 500 switch is operable to provide features which include local and long distance services and interconnects with other switches via SS7 as well as via ISDN and other telecommunications protocols. Th Nortel class-5 switch also provides call waiting, conferencing, voice mail, and “CENTREX” services. The Lucent 5E is another class 5 switch known in the art and provides the same type of services as the Nortel DMS. With Centrex and other class 5 services, the carrier is able to provide additional services via the class 5 system as well as regular phone services to users and subscribers. In contrast, PBXs, such as the VPBX provided by Chang, are not class 5 switches are inoperable for class 5 functionality.

The distinction between the present invention (a class 5 switch) and Chang (a PBX) is further illuminated by how the inventions are utilized. As described above, the class 5 switch of the present invention may provide service (routing of calls between PSTNs and IP networks) to a subscriber located anywhere in the world provided the subscriber is operable to access any PSTN or IP network. Thus, customized equipment, such as custom PBXs, need not be directly coupled with every phone or computer due to the configuration of the class 5 switch.

In contrast, Chang is operable to provide service only to users who are directly coupled to a VPBX (FIG. 1, paragraphs 0041 and 0254). To utilize Chang at two discrete locations, such as the USA and Japan, one must install a compatible VPBX at each location to enable PSTN or IP communication (paragraphs 0076, 0150, and 0151). Without a custom PBX (VPBX) coupled with

each phone, Chang is inoperable to provide routing between a PSTN and an IP network (paragraph 0254). Thus, Chang's PBX cannot be characterized as a class 5 switch, and as Berkley does not disclose or suggest call routing, claims 29-36 are allowable as a result.

Claim 28 is additionally allowable as it recites a "wherein the class 5 switch is operable to route a call originating from any one of a plurality of local PSTNs to the IP network." Chang's PBX is inoperable to route a call originating from any one of a plurality of local PSTNs to the IP network as only calls originating from a phone coupled with a custom VPBX may be routed to an intra-company IP network (see above).

Claim 29 is additionally allowable as it recites "wherein the class 5 switch is operable to route a call originating from a phone coupled with a conventional private branch exchange (PBX) to the IP network." As discussed above, Chang requires phones to be coupled with custom VPBXs in order to provide routing to an IP network.

Claim 30 is additionally allowable as it recites "wherein the class 5 switch is operable to route a call originating from a phone coupled with non-private branch exchange elements to the IP network." As discussed above, Chang requires phones to be coupled with VPBXs in order to route calls to an IP network (see also paragraphs 0150-0155).

Claim 31 is additionally allowable as it includes the feature of a class 5 switch operable to "route subscriber calls between the IP network and the PSTN and prohibit routing of non-subscriber calls between the IP network and the PSTN." As discussed above in relation to claims 1-9 and 11-20, Chang and Berkley fail to disclose or suggest "subscribers."

Claims 32 and 33 are additionally allowable as they recite "wherein the class 5 switch is operable to route a call originating from the IP network to a phone coupled with a conventional private branch exchange (PBX)" or "wherein the class 5 switch is operable to route a call originating from the IP network to a phone coupled with non-private branch exchange elements." As discussed above, Chang requires phones to be coupled with custom VPBXs to receive calls originating from an IP network.

Claim 34 recites "wherein the class 5 switch is operable to simultaneously route a received

call to a plurality of pre-designated destination addresses” and is allowable for the same reasons as claims 21-28 discussed above.

Independent claim 35, from which claim 35-37 depend, recites the feature of receiving calls utilizing a class-5 switch and routing calls in a class-5 switch. As discussed above, Chang and Berkley do not disclose or suggest a class 5 switch, and claims 35-37 are thus also allowable.

Claims 38-41

New independent claim 38 recites the features of a system including a telephone and a gateway coupled with the telephone and operable to couple with a computer controlled switch through an IP network to enable the telephone to communicate through the IP network and a PSTN. As shown in FIG. 2 and discussed in paragraphs 0032 through 0042, such functionality enables the central communication network 21 to provide various services to a user regardless of the user's physical location. For instance, by coupling a phone 53 with a gateway 51 and coupling the gateway 51 with the internet 13, the communications network 21 is operable to provide a plurality of services and functions to the user. Thus, by providing a “VoIP phone”, the present invention provides services to users at any location without requiring utilization of custom intermediary equipment, such as custom PBXs.

In contrast, Chang does not disclose or suggest a telephone coupled with a gateway that is operable to couple with a computer controlled switch, as Chang discloses a custom PBX to which phones are directly coupled with. Should one of Chang's phones be unable to directly coupled with the provided VPBX, the phone would be unable to utilize any features provided by the VPBX due to the absence of a gateway or other device for connecting the phones to the PBX. Thus, Chang, and all other prior art of record, fails to disclose or suggest all recited features of claims 38-41.

Conclusion

Applicant submits that claims 1-9 and 11-41 are now in allowable condition and requests a Notice of Allowance. In the event of further questions, the Examiner is urged to call the

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undersigned. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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